

# Public Document Pack



<b>MSDC PLANNING</b>	
<b>DATE:</b>	<b>WEDNESDAY, 11 OCTOBER 2023 9.30 AM</b>
<b>VENUE:</b>	<b>FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE</b>

For consideration at the meeting on Wednesday, 11 OCTOBER 2023, the following additional or updated papers that were unavailable when the Agenda was printed.

## **TABLED PAPERS**

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5	<b>MPL/23/14 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 27 SEPTEMBER 2023</b>	3 - 8
a	<b>DC/22/02667 GRANGE FARM, OLD BURY ROAD, PALGRAVE, SUFFOLK, IP22 1AZ</b>	9 - 34

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Claire Philpot on: 01473 296376 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

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# Agenda Item 5

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MSDC PLANNING** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Wednesday, 27 September 2023

### PRESENT:

Councillor: Sarah Mansel (Chair)  
Lavinia Hadingham (Vice-Chair)

Councillors: Lucy Elkin  
Colin Lay  
Rowland Warboys  
Nicholas Hardingham  
David Penny

### Ward Member(s):

Councillors: James Caston

### In attendance:

Officers: Area Planning Manager (GW)  
Planning Lawyer (CF)  
Case officer (BC)  
Governance Officer (CP)

## 52 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

52.1 Apologies were received from Councillor Austin Davies, Councillor Terry Lawrence and Councillor John Matthissen.

52.2 Councillor David Penny substituted for Councillor Davies.

52.3 Councillor Colin Lay substituted for Councillor Matthissen.

## 53 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS

53.1 There were no declarations of interest declared.

## 54 DECLARATIONS OF LOBBYING

54.1 All Members, apart from Councillor Lay, declared that they had been lobbied in respect of application number DC/21/04711.

## 55 DECLARATIONS OF PERSONAL SITE VISITS

55.1 None declared

**56 MPL/23/12 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 13 SEPTEMBER 2023**

It was **RESOLVED**:

That the minutes of the meeting held on 13 September 2023 be confirmed and signed as a correct record.

**57 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

57.1 None received.

**58 MPL/23/13 SCHEDULE OF PLANNING APPLICATIONS**

58.1 In accordance with the Councils procedures for public speaking on planning applications, representations were made as follows:

Application Number	Representations From
DC/21/04711	Caroline Wolton (Bramford Parish Council) Anne Raymond (Objector) Martin Crack (Supporter) Darren Cuming (Applicant) Councillor James Caston (Ward Member)

**59 DC/21/04711 LAND NORTH OF, TYE LANE, BRAMFORD, SUFFOLK**

59.1 Item 7A

Application DC/21/04711  
Proposal Planning Application – Change of use from agricultural land to solar farm and construction of a solar farm (up to 49.9MW) with associated grid connection cable route, infrastructure and planting.  
Site Location Land North of Tye Lane, Bramford, Suffolk  
Applicant EDF Renewables

59.2 The Case Officer presented the application to the Committee outlining the proposal before Members including: the contents of the tabled papers including the updated recommendation, the location of the site, the site constraints, the agricultural land classification plan, the cumulative impact of surrounding proposed schemes, the proposed site access including planned safety improvements, the mitigation planting proposals, the expected electricity generation of the scheme, the potential for grazing use, and the officer recommendation of approval as detailed in the tabled papers along with the reasons for the recommendation.

59.3 The Case Officer responded to questions from Members on issues including: the current position of the proposed surrounding schemes and the timescale

for when they may be decided, the proposed hedging around the Public Rights of Way (PROW) and whether consultation had taken place with the community, the location of the planting, the design and style of the fencing, and the output capacity of the site as mentioned in the tabled papers and whether this means the size of the site is larger than it needs to be.

- 59.4 Members considered the representation from Caroline Wolton who spoke on behalf of Bramford Parish Council.
- 59.5 The Parish Council representative responded to questions from Members on issues including: the proposed landscaping plans along the PROWs, and the potential for community involvement in the planting scheme.
- 59.6 The Case Officer responded to a question from Members regarding the current position of the skylark mitigation proposal and whether it had been agreed and was sufficient.
- 59.7 Members considered the representation from Anne Raymond who spoke as an Objector.
- 59.8 Members considered the representation from Martin Crick who spoke as a Supporter.
- 59.9 Members considered the representation from Darren Cuming who spoke as the Applicant.
- 59.10 The Applicant responded to questions from Members on issues including: the potential noise produced by the inverter containers, the colour of the containers, the proposed size and scale of the site, the output capacity of the site and the expected electricity generation, the projected carbon savings, the distance between panels and potential for planting between the rows, the distance from the panels to adjacent residential properties, the expected number of traffic movements to the site during the operational phase, the benefits to the immediate community, and the community fund.
- 59.11 The Planning Lawyer confirmed to Members that the community fund would not form part of a Section 106 agreement and was not a material planning consideration.
- 59.12 Members considered the representation from Ward Member Councillor James Caston, who spoke against the application.
- 59.13 Members debated the application on issues including: the impact on the local community, the proposed screening and hedging plans including the size of the wildlife corridor, the adequacy of the planting mitigation, the size and scale of the scheme, the amount of energy generated by the scheme, the benefits of using non fossil fuels, the temporary nature of the scheme, and the biodiversity gains which could be achieved.
- 59.14 Councillor Hadingham proposed that the application be deferred to enable

officers to consider the possibility of reducing the area of the scheme, and the mitigation planting plan.

- 59.15 Councillor Elkin seconded the proposal.
- 59.16 The Area Planning Manager provided confirmation to Members regarding the conditions which could be applied in respect of landscaping and the scale of the site.
- 59.17 Members continued to debate the application on issues including the proposed planting plan, and the size of the scheme.
- 59.18 A break was taken from 7:10pm until 7:21pm to allow Officers to discuss potential amendments to the application with the Applicant.
- 59.19 The Area Planning Manager advised Members that there is no capacity to reduce the overall size of the site, however the siting and installation of panels could be amended and conditions applied.
- 59.20 Councillor Hadingham withdrew the proposal of deferral. This withdrawal was seconded by Councillor Elkin.
- 59.21 Members continued to debate the application on issues including: the precedent set by previous decisions and the Planning Inspectorate regarding solar farms, the impact on the local community, and support for rural industries.
- 59.22 Councillor Warboys proposed that the application be approved as detailed in the officer recommendation contained in the tabled papers and additional conditions.
- 59.23 Councillor Hadingham seconded the proposal subject to conditions relating to planting, landscaping and biodiversity.
- 59.24 The Area Planning Manager confirmed the following amended wording and additional conditions:

Delegate authority to the Chief Planning Officer to review and amend the location of panels with regards to Rutters Cottages, the quiet lane, footpath, Copenhagen Cottage and Tye View Cottage, including enhanced landscaping, and permissive path provision, in consultation with the Parish Council and neighbouring residents.

Then as per the recommendation in the tabled papers with the additional conditions:

- To agree colour and landscape screening of inverters
- CTMP condition in consultation with Parish Council

And amend condition 17 with advance planting to be agreed.

59.25 Councillor Warboys and Councillor Hardingham agreed to the additional conditions.

By a vote of 6 votes to 1

**It was RESOLVED:**

**That authority be delegated to the Chief Planning Officer to review and amend the location of panels with regards to Rutters Cottages, the quiet lane, footpath, Copenhagen Cottage and Tye View Cottage, including enhanced landscaping, and permissive path provision, in consultation with the Parish Council and neighbouring residents, and to resolve skylark mitigation matters. Subject to those matters being resolved, the application is GRANTED planning permission and includes the following conditions and informatives (those listed, and others as may be deemed necessary\*)**

- 1. Standard time limit for commencement**
- 2. Temp PP 35 years plus removal and reinstatement if operation ceases for a period of 6 months or at the end of the 35 year life. Reinstatement scheme to be agreed including biodiversity review, mitigation and details of retained landscape planting including biodiversity review, mitigation and details of retained landscape planting**
- 3. Limitation on capacity of the development to 49.9MW AC with requirement to submit details of confirmed generation annually**
- 4. Approved Plans (Plans submitted that form this application)**
- 5. Access works, off site highway improvement works**
- 6. Arboricultural Survey and Impact assessment**
- 7. Repairs to any highway damage**
- 8. Off-site highway improvement works**
- 9. Archaeology**
- 10. Carry out in accordance with ecological assessment**
- 11. CEMP**
- 12. Construction management plan including deliveries, vehicle routing and working hours**
- 13. Fire safety strategy**
- 14. Glint and glare mitigation to be implemented and maintained**
- 15. HDD methodology for Miller's Wood to be agreed**
- 16. Information board strategy**
- 17. Landscape planting scheme, to include planting to northern boundary along footpath 8, long-term landscape compensation, and advance planting to be agreed**
- 18. Landscape management and implementation**
- 19. LEMP**
- 20. Lighting restriction (no external lighting to be operated)**
- 21. No burning of waste on site**
- 22. Noise assessment once operational**
- 23. Right of way information board strategy**
- 24. Surface water drainage strategy to be agreed, implemented and verified**
- 25. Skylark mitigation**
- 26. Soil management plan**

## **27. Visibility splays**

**And the following informative notes as summarised and those as may be deemed necessary:**

- **Proactive working statement**
- **SCC Highways notes**
- **Support for sustainable development principles**

**And the following additional conditions:**

- **To agree colour and landscape screening of inverters**
- **CTMP condition in consultation with Parish Council**

## **60 SITE INSPECTION**

60.1 None received.

The business of the meeting was concluded at 7.33 pm.

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Chair





## Planning Committee: 11 October 2023

### Tabled paper

#### Item 7a

DC/22/02667  
Grange Farm  
Palgrave

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1. Objection from Palgrave Parish Council 9 October 2023
2. Objection from Palgrave Parish Council 3 October 2023
3. Working Party Proposal
4. West Wickham Appeal Decision
5. Objection from Anne & Jeremy Moynihan 7 October 2023
6. Consultation response from SCC Floods & Water
7. Consultation response from Place Services Ecology

A further 34 expressions of objection have been received since the previous meeting on 13 September 2023. Of these a number may be duplicates and others from different members of the same household.

Old Rectory (3)  
Brambley House (4)

Old Guildhall (2)  
Millers Rest (2)

Lock House (2)

7 Gassock Drive  
Horsepond House  
18 Clarke Close  
3 Clarke Close  
11 Clarke Close  
5 Common Hill  
Copper Cottage

3 Hilling Gardens  
3 Limes Close  
Wellcote  
Highland House  
2 Stone Cottages  
Thatched Cottage  
Longs Farm  
5 Church Farm Close  
Weavers Mark  
The Limes (2)  
'House garage and workshop'

Homestead  
Priory Cottage

(34)

Full details are available on-line

## **Neighbourhood Plan update:**

The **Diss & District Neighbourhood Plan** (DDNP) has now successfully passed the referendum stage with an **84% 'yes' vote in favour of adoption**.

Confirmation of adoption by both South Norfolk Council and Mid Suffolk District Council will follow in due course but, in the meantime, the DDNP should now be taken as forming part of our Development Plan and be used in the determination of planning applications where relevant. In Mid Suffolk, that means applications in the parishes of Palgrave, Stuston, and Brome & Oakley.

A final version of the DDNP is in prep (only the cover page and introduction will be updated to reflect today's news). In the meantime, you can still view the referendum version of this Plan and its supporting evidence on our website at [www.midsuffolk.gov.uk/DissandDistrictNP](http://www.midsuffolk.gov.uk/DissandDistrictNP)

## **Joint Local Plan update:**

On 19<sup>th</sup> September 2023, the Babergh and Mid Suffolk District Councils received the Inspectors' report on the examination of the Joint Local Plan. The Inspectors' have concluded that, subject to the recommended modifications, the Plan is sound. Accordingly, officers have considered the modified policies having regard to the requirements of paragraph 48 of the NPPF, as relevant to the determination of this planning application. The JLP and its policies are a material consideration of significant weight.

Correspondence 1-7 follows

# Palgrave Parish Council: 9 October 2023



9<sup>th</sup> October 2023

Jasmine Whyard  
Planning Department  
Mid Suffolk District Council

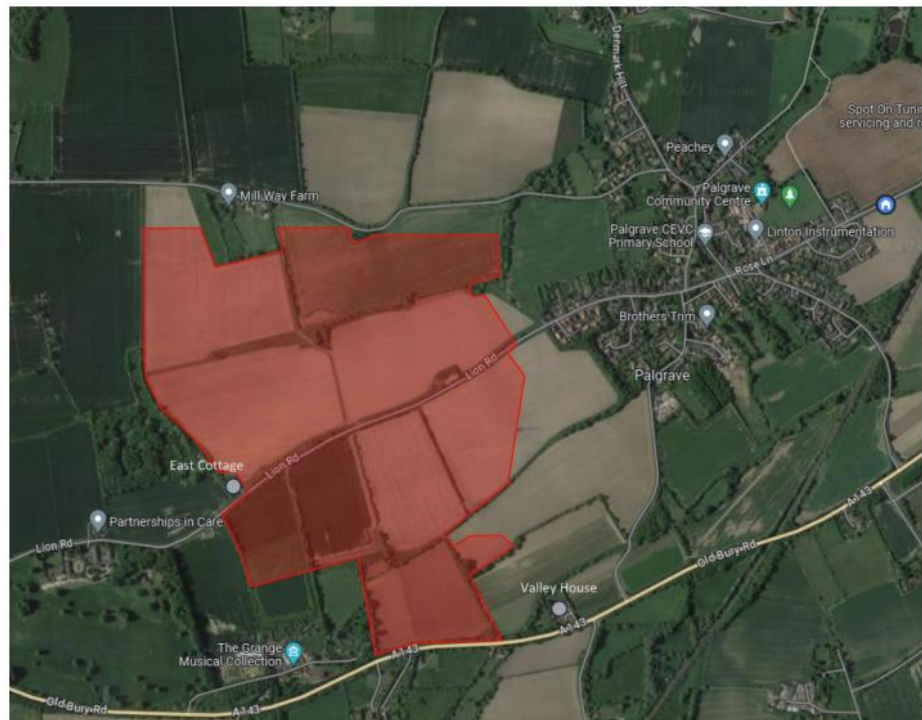
Dear Jasmine

Re: Planning application DC/22/02667

Palgrave Parish Council would like to register its objection to the latest consultation on the Grange Farm solar farm (DC/22/02667) after the latest consultation and the comments from Pace regarding the output from our working party.

The development is on open, rolling farmland at the top of the ridge above the Waveney Valley directly to the west of the village of Palgrave. The development comes extremely close to the village and spans the main access road into the village and for traffic coming from Bury St Edmunds into Diss. The small change to the application made by Pace is insignificant to the effect the development will have on the village.

The sheer scale of the development can be seen below.





The introduction of the solar farm comprising of arrays and buildings with a uniform and industrial design and dark modern materials would contrast with the overall informal, gently undulating, open, and green rural character and appearance of the site that spans a ridge above the Waveney Valley and Wortham Ling.

The development would be highly visible above the hedgerows when viewed from the surrounding roads due to the limited boundary features, notably Lion Road, a major route into Palgrave and Diss, and Millway Lane, a Quiet Lane. It will also be very prominent from public rights of way around and to the west of the village. The development and its effect would be particularly apparent when travelling to or from Palgrave on the busy Lion Road where someone would be travelling right through the centre of the development. There is also little screening to the north of the site where unrestricted views of the back of the silicon panels will be seen from along Millway Lane.

The solar farm will result in a visually incongruous and intrusive urban form of development that would be completely out of character with the surrounding open countryside and rural landscape and adversely affect the distinct character and appearance of the countryside and landscape character. The proposal is directly against MSDC policies in this regard that require developments to respect and retain or enhance the local character, appearance, and distinctiveness of the local landscape and of the individual character of the area in which it is located. It is also against the Diss and District Neighbourhood Plan which seeks to preserve the distinctiveness and rural character of the villages around Diss.

There are a few items that we would particularly like to highlight.

1. **PLANNING INSPECTOR APPEAL DECISIONS** - We understand that various appeal decisions have been brought to the attention of planning committee members regarding solar farms, but we don't believe the refusal of planning permission for a solar farm in South Cambridgeshire (20/01564/FUL) and the very recent dismissal of the subsequent appeal (22<sup>nd</sup> September 2023) by the Planning Inspector has been brought to their attention and we would request that this is done urgently as it appears to be directly relevant and presents a more balanced view than that presented currently in the officer's report.
2. **COSTS FOR BRAMFORD APPEAL** - We believe it is vital that the Planning Committee is made fully aware of the facts around the awarding of the appellant's appeal costs against MSDC following the recent Bramford application appeal. Costs are awarded in very limited circumstances and only if both of the following requirements are met a) if a party has acted unreasonably and b) that unreasonable behaviour has directly caused the party claiming costs to incur unnecessary or wasted expense.

Costs were awarded after the Inspector found:

- a. MSDC's original refusal of the Planning Application was valid, well written, and justified. He could therefore not award costs for refusing it.
- b. That the "rationale for the change in the Council's stance is questionable."

That is why MSDC has been punished with a very large "fine".

We are extremely concerned that planning committee members will be unduly influenced and 'required' by Mid Suffolk District Council to approve this application based on this



decision regarding costs when it was MSDCs decision in a private meeting not to defend it for unknown or political reasons. It is our understanding that planning decisions must be based on the local development plan and material planning reasons. The costs of an appeal (or fear of one) is not a material planning consideration.

3. **DIRECTION OF TRAVEL** – It is wrong to characterise the direction of travel using a curated selection of appeal results and Government guidance as there is just as much guidance that has been published justifying an alternative conclusion. An important consideration is a proposed amendment to the NPPF that is attached to the Levelling Up and Regeneration Bill and highlighted over the weekend concerning the Government and Prime Minister’s concern with food security and requiring planning authorities to have regard to the loss of agricultural land in any decision. It is also questionable that the ‘direction of travel’ is a valid reason to decide planning applications.
4. **COMMENTS FROM PLANNING COMMITTEE MEMBERS** – We have been made aware of critical factual misunderstandings from certain planning committee members regarding the appeals process and its consideration in determining a planning application. It is untrue to state as a member has that,

*“ All developers, whose planning application is refused have a right to appeal to the planning inspectorate. If the council is found to have made an unreasonable decision, then costs will be awarded to the applicant.”*

If the inspector’s report in the Bramford case is read fully, then it is clear that the reason that costs were awarded was that MSDC did not support their own planning decision and in doing so had behaved unreasonably. Had they defended their position then costs would not have been awarded.

Please reject this application on the grounds above and the existing objections highlighted in our previous correspondence and either encourage the developer to come back with an acceptable scheme or reject this scheme and defend your policies at any developer appeal.

Yours sincerely

Neil Weston

Palgrave Parish Council Chairman

cc. Caroline Emeny – Palgrave Parish Clerk

Tim Weller – MSDC Councillor

Jessica Fleming – SCC Councillor

Dan Poulter – Member of Parliament



# Working Party Proposal

## Working Party proposal for DC/22/02667 – Grange Farm Solar Farm Development

A working party has been set up by Palgrave Parish Council to assess possible changes to the design of the Grange Farm Solar Farm should MSDC councillors be minded to let Pace move forward with the scheme despite the objections of residents and many other people and bodies. These possible design changes have not yet been before the Parish Council nor the village as we have been given insufficient time to do this by the planning process however they were produced using common sense and our understanding of views we have heard expressed by residents.

The first thing to say is that we are very disappointed that Pace chose to site the development so close to our village and to mostly ignore input from concerned residents and the Parish Council. There was no need to do this, and we hope other villages don't suffer the same fate when there are so many other design and siting options. We therefore object to the planning application as currently submitted consistent with the Parish Council's objections.

We are aware of the stage of the planning application however we must request changes to the design to ameliorate the dramatic effect the development will have on the lives of the people who live in and around Palgrave. Some of these changes would result in the reduction in scale of the solar farm. The argument that this makes the development uneconomic is not credible. There are many solar developments that are functioning nationally at a whole variety of scales. Indeed, the proposal adjacent to this one is around 60% of the scale of this proposal.

**A buffer zone must be created to separate the development from the village and residential properties and more use made of existing tree and hedge lines. The proposed small setback is an insult to the residents of Palgrave.**

Other fields are available to the southwest of the site (Field T) and the nearby fields that are currently proposed for skylark mitigation south of the A143 if further panels are 'required'.

1. Millway Lane is a fantastic 'Quiet Lane' resource of the village and the development as currently proposed will ruin a large section of it for residential amenity unnecessarily. Of particular concern are the properties along Millway Lane at Millway Farm and East Cottage along Lion Road.
2. The existing hedge line to the north should be the northern boundary of the panels as suggested several times (Option 1). This would have the combined benefit of leaving a large area for traditional farming and management of skylarks and preserving the amenity of Millway Lane and the surrounding fields near to the Waveney Valley special landscape area and Wortham Ling SSSI.
3. The development will surround Millway Farm and adjacent properties. If the northern boundary cannot be placed at the existing hedge line, then a buffer zone must be created to avoid dramatic harm to the residents of these properties and the properties themselves (Option 2). A large setback from the property boundary should be made and possibly squaring off of the boundary as shown. The northern boundary along its entire length should be screened with existing or new hedging. It is noticeable that some sections are not even currently screened when this could easily be implemented.
4. The cavalier way that the situation of East Cottage has been dealt with is totally unacceptable. The property is directly in the line of any glint/glare from the solar panels which come right up to the boundary. A high level of glint/glare is expected at this property and the amelioration is woefully inadequate. Pace know this and must install a temporary (multiyear) solution in order to give time for the hedge to establish and dramatically increase the buffer zone between the panels and the property. A rendering from the property is below. No further justification should be needed here surely.



5. The diagonal field boundary across field Q should be squared off as suggested by MSDC Place Services Landscape in their response to retain the historic co-axial field boundary and this continued north of Lion Road. A buffer zone of biodiversity enhancement and woodland should be created to divide the village from the solar panels. This would be an example of enhancing the environment around a village rather than unthinkingly siting solar panels wherever possible.
6. All setback along Lion Road should be increased to 50m from 30m to avoid there being a 'silicon corridor' on entry to Palgrave. Other setbacks and screening should be implemented to protect Jobs Lane PROW.
7. The panel height seems to be much higher than comparative applications. A reduction across the site to 2.5m should be made and wherever possible a reduced height used at boundaries and sensitive areas.
8. The electricity substation should be removed from the development. Other developments have proposed connecting to the Diss substation to the north. This would avoid the significant harm to Grade II listed Valley Farmhouse that will occur and the inevitable noise issues.



These changes would potentially still allow a solar development to be considered through the planning process but take it further away from the village, add screening options to ameliorate the worst effects of the badly thought out and ill-considered current design and save wildlife and amenity for the residents of Palgrave. It would also have involved the residents in the design.





### Appeal Decision

Site visit made on 12 July 2023

**by H Wilkinson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 September 2023**

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**Appeal Ref: APP/W0530/W/22/3300777**

**Land to the South East of Burton End, West Wickham, CB21 4SD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Lodge against the decision of South Cambridgeshire District Council.
- The application Ref 20/01564/FUL, dated 2 March 2020, was refused by notice dated 10 December 2021.
- The development proposed is described as the 'installation of a solar farm and associated infrastructure including access'.

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**Decision**

1. The appeal is dismissed.

**Main Issues**

2. Having regard to the Council's reasons for refusal, the main issues are the effect of the proposed development on:
  - the character and appearance of the area including the landscape;
  - the use of best and most versatile agricultural land, and whether the sustainability considerations and need for the development are sufficient to override the need to protect the agricultural value of the land.

**Reasons**

*Character and appearance*

3. For the purpose of the Greater Cambridge Landscape Character Assessment 2021, the appeal site lies within the West Wickham Wooded Claylands landscape character area, which is characterised by undulating boulder clay landform, dissected by small stream valleys. There are a scattering of farmsteads and small linear settlements interspersed with medium blocks of woodlands and trees. An irregular patchwork of medium to large arable fields are united by the gently rolling landform and woodland which together create a distinctive landscape and afford open, panoramic views towards a wooded skyline. According to the character assessment, the landscape area is regarded as having a good landscape condition and a strong character.
4. The appeal site extends to 1.8 hectares and comprises a mix of scrubland and grassland, the topography of which is generally flat. The site occupies a prominent location adjacent to the road and within close distance of the junction of Burton End, The Common, Skippers Lane and Common Road. Large, open arable fields with limited boundary features, surround the appeal site. The site and its surroundings embody the typical landscape characteristics of the

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<https://www.gov.uk/planning-inspectorate>

character area, which positively contributes to the rural character of the locality.

5. A Landscape and Visual Appraisal<sup>1</sup> conducted in accordance with industry standard methodologies and guidelines accompanied the planning application whilst the appeal is also supported by a Supplementary Landscape and Visual Impact Appraisal<sup>2</sup>, planting plan and landscape specification. The findings of these appraisals suggest that the landscape character has a low sensitivity to development and a high capacity to accommodate the proposal. Having regard to the evidence before, in my view the relevant landscape including the appeal site has a medium landscape value and medium sensitivity to change.
6. The appeal development relates to the installation of 4580 solar panels which would be arranged in 22 rows, around 5 metres apart and would be orientated in an east to west direction across the appeal site. The installation would reach a maximum height of some 3 metres above ground and would have a dark grey/dark blue/black finish. In addition, a substation and switch room would be provided either side of the proposed access whilst an inverter would be in the centre of the site. The substation, being the tallest of the proposed structures would reach a height of around 3.5 metres.
7. The attractive, unspoilt open qualities of the appeal site would be replaced by regimented rows of uniform solar panels mounted on metal frames together with ancillary buildings. The homogenous and typically geometric form of the proposal together with its industrial appearance and dark finish would erode the rural character of the appeal site and diminish its contribution to the key landscape characteristics of the West Wickham Wooded Claylands area. Within this context, I find that the proposal would read as a highly obtrusive and discordant form of development. As such, it would have a harmful effect on the landscape.
8. Due to the exposed and plateaued nature of the surrounding landscape there are long, open views across the area in which the appeal development would be appreciated. Consequently, whilst I recognise that the landscape change and visual effects would be relatively localised, the appeal proposal would nonetheless be readily perceived by passers-by. The proposal would be particularly apparent to road users when approaching the site from both directions due to the level of the site relative to the road and the lack of field boundaries. In addition, and notwithstanding the intervening distance, there would be sight of the solar array and ancillary buildings from the surrounding rights of way network. Instead of viewing pleasant, open fields and panoramic views of the countryside from these locations, the visual receptors would experience row upon row of solar panels and utilitarian structures which would be at odds with their rural surroundings.
9. It has been put to me by the appellant that the provision of brushwood screening would offer mitigation in the short term whilst the proposed new hedgerow planting would reduce the adverse impacts and provide an overall enhancement in the long term. I acknowledge that the additional planting together with the undulating topography of the surrounding land would to some extent soften the visual effects. However, the subdivision of the field would result in a fragmented field pattern which would be uncharacteristic of the site

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<sup>1</sup> Landscape and Visual Appraisal (11 November 2020)

<sup>2</sup> Supplementary Landscape and Visual Impact Appraisal (May 2022)



as it is today. In doing so, this would highlight the conspicuous form of the appeal scheme and compound its harmful effect on the character of the landscape. Overall, I find against all this background that the scheme would have a moderate harmful visual impact.

10. In coming to this view, I recognise that the site's immediate surroundings are not completely devoid of built form. Indeed, I observed at my site visit that there are two former aircraft hangers located in proximity of the appeal site which have been modernised for commercial use. Both buildings are of a substantial scale, particularly when compared to the ancillary buildings proposed under the appeal scheme and are prominent within the landscape. However, these buildings are indicative of the area's history and their general form and appearance resembles their original design. Moreover, their appearance is not dissimilar of more modern agricultural units which are commonplace in the countryside. As such, they do not appear discordant in the context of their surroundings or detract from the character and appearance of the area.
11. I also acknowledge that the proposed development would be largely reversible, and that the impacts could be limited by condition to a period of 25 years. This however is a relatively long period of time during which the adverse impacts would be experienced. Therefore, I am not persuaded that the development would be justified on this basis.
12. For the above reasons, I find that the proposed development would adversely affect the character and appearance of the area including the landscape. The proposal is therefore contrary to Policies S/7, CC/2, NH/2 and HQ/1 of the South Cambridgeshire Local Plan 2018 (Local Plan). Amongst other aspects, these policies seek to ensure that development respects and retains or enhances the local character and distinctiveness of the host landscape.

*Best and most versatile agricultural land*

13. Annex 2: Glossary of the National Planning Policy Framework (the Framework) sets out that best and most versatile agricultural land (BMV) includes land in grades 1, 2 and 3a of the Agricultural Land Classification. For the purposes of Natural England's Provisional Agricultural Land Classification Maps, the appeal site is recorded as grade 2 land. This however is contested by the appellant who submits that in accordance with the site-specific assessment<sup>3</sup> (ALC) submitted as part of the appeal, the site is grade 3b – moderate quality agricultural land.
14. The Planning Practice Guidance (PPG) indicates that where a proposal involves greenfield land consideration should be given to whether the proposed use of any agricultural land has been shown to be necessary, whether poorer quality land has been used in preference to higher quality land and to whether the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays<sup>4</sup>.
15. Policy CC/2 of the Local Plan indicates that planning permission for proposals to generate energy from renewable and low carbon sources will be permitted where they do not have unacceptable adverse impacts on high quality agricultural land. Policy NH/3 deals specifically with the protection of

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<sup>3</sup> Agricultural Land Classification Assessment prepared by Wilson Wraight dated May 2022

<sup>4</sup> Paragraph: 013 Reference ID: 5-013-20150327 Revision date: 27 March 2015

agricultural land and states, amongst other criteria that permission will not be granted where it would lead to the irreversible loss of grades 1, 2 or 3a agricultural land unless the land is allocated within the Local Plan or sustainability considerations and need for the development are sufficient to override the need to protect the agricultural value of the land.

16. The Council's delegated report indicates that there are large swathes of high-quality agricultural land within the district. The appeal site area extends to some 1.8 hectares and is an isolated parcel of land in so far as it was severed from the main farming enterprise some decades years ago. I am advised by the appellant that the appeal site has been left fallow for many years and is not currently in a state that could be farmed without considerable input and improvement. The evidence also suggests that owing to the lack of underground drainage and the restricted site area, the agricultural potential of the appeal site is limited.
17. The proposed solar farm would occupy the appeal site for a period of 25 years, after which the land would be returned to wholly agricultural use. For the period that the development would be in situ there would be grazing opportunities between and under the arrays and therefore the land would remain partly in agricultural use.
18. Although there is no local policy requirement to undertake a sequential test, it is clear from the provisions of the PPG and the Written Ministerial Statement (WMS) dated March 2015 that preference should be given to development on land of lower agricultural quality and that there must be the most compelling evidence to justify solar farms on BMV land. In this regard, the appellant has provided details of the site search exercise which fixed the study area to within 6km of the National Grid Substations with capacity to connect a solar PV array. The appeal site is located approximately 320 metres from a grid connection.
19. The search exercise considered the availability/suitability of alternative sites on previously developed land within the defined radius, having regard to the Council's brownfield land register. When taking account of the required site area, housing allocations and grid connection, the appellant submits that there are no sites suitable to accommodate the proposed development. Although the Council is critical of the assessment, no suitable alternative brownfield sites have been identified which would challenge the appellant's assessment and, whilst an area of grade 3 agricultural land has been referenced, this is not within the control of the appellant and its availability is unclear.
20. The Government has repeatedly emphasised its commitment to increasing the supply of renewable energy within the UK. Whilst the 2020 target of 15% of all energy consumed to be from renewable energy sources has passed, in light of the 2050 net zero target there remains strong Government support for the provision of renewable energy technologies. Indeed, the Framework sets out clear support for the delivery of renewable and low carbon energy and associated infrastructure to mitigate climate change. The appellant identifies that nationally, energy demands are increasing which will need to be met by low carbon and carbon negative sources if we are to achieve the 2050 target and enhance energy reliability and security.
21. Solar PV installations can provide a significant contribution to meeting the legally binding target and increase the renewable energy capacity currently installed in the UK. In this regard, the proposal would provide 1 megawatt of



energy which would power approximately 650 local homes and contribute towards carbon neutrality. Further, paragraph 158 of the Framework indicates that projects of all scales provide a valuable contribution to reducing greenhouse gas emissions. Consequently, the renewable energy benefit of the appeal proposal must be accorded substantial weight.

22. Taking the above into account, it is my overall view that the sustainability considerations and the need for the development override the need to protect the agricultural value of the land. Furthermore, given that the site accounts for a very small proportion of the total BMV land in the region together with the site-specific factors set out above, I do not consider that the loss of the land for the period that the arrays would be in situ would harm the agricultural industry. Notwithstanding the conclusions of the appellants ALC, I have found that the proposal is acceptable even on the higher grade land and thus need not consider this any further.
23. Therefore, I conclude that the appeal proposal would accord with Policies CC/2 and NH/3 of the Local Plan where they seek to protect the agricultural value of the land and avoid the irreversible loss of grades 1, 2 or 3a agricultural land.

#### **Other Matters**

24. The Council's delegated report indicates that West Wickham Conservation Area and West Wrattling Conservation Area are located 1.7km and 2.8km from the appeal site respectively. There are several listed buildings located within some 800 metres of the appeal site including Nos 27 and 29 and The Vicarage, Burton End. Brook Farmhouse and No 57, The Common are located approximately 900 metres away. The setting of the above heritage assets is informed by the open countryside which immediately surrounds them. Although the proposed development would introduce new development onto land which is currently free of built form, given the intervening distances and landform, I do not consider that the proposed development would compromise the setting of the identified conservation areas or the setting of Nos 27 and 29 and The Vicarage. With regards to the other listed buildings identified, as their separation from the site is even greater, their setting would also be unaffected by the proposal.

#### **Planning Balance and Conclusion**

25. I have concluded that substantial weight should be given to the renewable energy benefits of the scheme, which in this instance would amount to the compelling evidence required to justify a solar farm on the BMV land.
26. There would also be a biodiversity net gain through the implementation of the proposal with onsite enhancement and mitigation measures including planting of wildflowers underneath the arrays and additional hedgerow planting. The use of the site for agricultural grazing would support 1.5 FTE jobs for the duration of the solar farm operation whilst business rates would contribute to local economy. In addition, there would be short term economic benefits during the construction of the scheme. These factors are attributed moderate weight.
27. However, the policy support given for renewable energy projects in the Framework is caveated by the need for the impacts to be acceptable, or capable of being made so. Notwithstanding the temporary nature of the appeal scheme, I have found that there would be significant harm to the character and

appearance of the area, and I am not persuaded for the reasons I have set out that these impacts would be capable of being made acceptable. In my view, over the lifetime of the development, the harm to the character and appearance including the landscape outweighs all the benefits that I have identified.

28. Accordingly, the appeal proposal conflicts with the development plan read as a whole and no material considerations, including the Framework have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

*H Wilkinson*

INSPECTOR

## Objection from Anne & Jeremy Moynihan: 7 October 2023

7 October 2023

Dear Planning Committee Members

### **Reference: DC/22/02667 Grange Farm Solar**

We would like to start by saying that we continue to strongly object to this planning application and the minuscule change by PACE to the boundary of the proposed solar farm is farcical. We are however also writing to you directly because we remain deeply disturbed by the way in which the Planning Committee Meeting was handled on the 13 September 2023 and what we have heard (and seen in emails) from a number of sources since then. It would appear that there has been a 'predetermination' by some Councillors based on the costs of an appeal if they were to refuse this application. It is our view therefore that it is impossible for our objections to Grange Farm Solar to be given a fair hearing despite the fact the costs of an appeal (or fear of) are not a material planning consideration.

We fully accept the need for decarbonisation and a rapid move to renewables but to do this at the expense of the natural environment is contradictory and wrong. The climate crisis cannot be solved by destroying our environment. We need joined up thinking and a new approach to how we produce energy. We must value nature for what it is and allow it to flourish. We must work around the constraints of the natural world and not fence it out of ours. We must not push 'green' solutions without consideration for the wider impact.

According to Dr Sandra Knapp, Natural History Museum - The best thing that came out of the Glasgow Climate Change Summit was the recognition and articulation of the fact that we cannot solve the climate change crisis unless we also address our biodiversity loss which is impacted hugely by – **land use change** whether it be for houses or solar farms. Both of these things are too intrinsically linked to try to deal with them separately. It is a vicious circle which will not be solved by the meaningless mitigations that will supposedly be put in place.

Having watched the Planning Committee Meeting on 13 September 2023 online, there was no meaningful discussion of the issues raised by Objectors because the primary focus throughout was on mitigation. It was even more shocking when the Chair suggested that perhaps PACE could make a small amendment to the easternmost boundary which is incredibly close to the houses in Lion Road. One Councillor did state that the Planning Committee should not be negotiating with the Developer as they could agree an amendment which was still unacceptable to villagers. Unfortunately his warning was not heeded. Not surprisingly the PACE Representative agreed and must have left the meeting believing it was a done deal – I would have done if I had been in his position - subject to a tokenistic consultation exercise.

It also appeared unreasonable that the Committee/Officers just accepted the Applicant's assertion that larger concessions as to the scale of the development could not be made as it would make the project uneconomic. This cannot be true as Grange Farm Solar is considered to be a large development in comparison with many/most other solar farm proposals, and it is not plausible to believe the smaller ones are run at a loss or for philanthropic reasons. We are very keen to know how Committee Members test the veracity of such claims.

Since the meeting, I have heard and seen emails from a number of sources (including Councillors, Planning Committee Members etc) that have explicitly referred to the refusal to grant planning permission for the Burstall/Somersham Solar Farm by a previous MSDC Planning Committee led to the Applicant being successful on appeal and a £120/£130k (both figures have been mentioned) costs award being made against MSDC. We have therefore

been warned that this would inevitably have an impact on the Committee's decision-making processes in relation to Grange Farm Solar. In the words of one Councillor - *The impact of the 29 August decision of the Planning Inspectorate to allow the appeal in the case of the Burstall solar development, and its interpretation of the NPPF – both of which have a bearing on recommendations of Planning Officers and decisions of the Planning Committee.* Statements such as this factually wrong and extremely misleading.

From the copy of the Press Release by Burstall Parish Council (see below) and the Appeal and Costs Decisions on this case it would appear that the reasons why MSDC were awarded full costs against them was because a) the Inspector found MSDC's original refusal of the Planning Application was valid, well written, and justified. He could therefore not award costs for refusing it. Instead it was MSDC's reasons for not defending the appeal which is what the Inspector found to be unreasonable, and that is why MSDC has been punished with a very large "fine". The fact that Palgrave villagers have been severely misled on this decision and the reason for the Appeal being lost is extremely shocking and has totally destroyed our faith in local democracy and decision making.

It is our understanding that costs are awarded in very limited circumstances and only if both of the following requirements are met a) if a party has acted unreasonably and b) that unreasonable behaviour has directly caused the party claiming costs to incur unnecessary or wasted expense. Once again, planning decisions must be based on the local development plan and material planning reasons. The costs of an appeal (or fear of) are not a material planning consideration.

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According to a Burstall Parish Council Press Release on 11 September 2023, **Taxpayers ordered to pay developers Bills after Mid Suffolk errors.**

The press release goes on to say:

*Taxpayers are left paying substantial costs incurred by a developer after Mid Suffolk Council refused to defend an application at appeal. In February 2023 the Mid Suffolk Planning Committee refused an application by Bramford Green Ltd for a solar farm on farmland near Bramford in a Special Landscape Area.*

*The application was appealed by the developer at the national Planning Inspectorate hearing in August 2023. Mid Suffolk Council declined to defend its position. It was left to residents, Parish Councillors, and two District Councillors to put forward evidence against the flaws and omissions of the development.*

***Overturing the Mid Suffolk decision, the Government Inspector criticised Mid Suffolk Council. He stated that the original reasons for refusal were "reasonable and reflect common practice in wording and content" but the "rationale for the change in the Council's stance is questionable." He subsequently ordered Mid Suffolk Council to pay all of the developers' costs for the appeal. With a full legal team and eight expert witnesses, this will be a hefty bill for taxpayers to pick up, running into tens of thousands.***

*This is the latest in a series of disputes with residents and local Parish Councils on the application. Following the elections when Mid Suffolk became the UK's first Green Party majority council, newly elected Councillors were persuaded by officials not to defend the original planning committee's refusal which went against planning officers' recommendations. Although Planning meetings are usually open the public and press, everyone was ordered out of the room and the live stream was cut.*



*In March, four Parish Councils and Care Suffolk, a residents organisation, wrote to Chief Executive Arthur Charvonia expressing 'no confidence' in the Planning Department and calling for an independent investigation into its performance, but no action was taken. Residents and Parish Councils have consistently condemned inaccurate information and apparent bias of planning officers, and a formal complaint is currently open with the Local Government and Social Ombudsman.*

*"The Planning department is not fit for purpose" said Burstall Parish Council Chair Barry Gaspar. "This latest debacle proves our point. Despite clear warning from us, because no action was taken, taxpayers will now pay a heavy price. **To make matters worse, officers are now using the same arguments and making the same mistakes in relation to other solar farm applications in our area. Mid Suffolk seems to be happy to turn rural areas into industrial zones.**"*

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It has been our understanding that planning committees are made up of local people elected to do what is right for their local communities within certain parameters. The Committees decision making should surely be based on the facts, planning frameworks etc but absolutely not on whether there may be an appeal with costs awarded at a future date.

This week there has been another appeal lost with the Planning Inspector upholding South Cambridgeshire District Council's decision to refuse the plans for a new solar farm on farmland due to the impact on the unspoilt South Cambridgeshire countryside - according to [www.cambridge-news.co.uk](http://www.cambridge-news.co.uk).

The Planning Inspector, in this appeal, has been quoted as saying - *The attractive unspoilt open qualities of the appeal site would be replaced by regimented rows of uniform solar panels mounted on metal frames together with ancillary buildings. The homogenous and typically geometric form of the of the proposal together with its industrial appearance and dark finish would erode the rural character of the appeal site and diminish its contribution to the landscape characteristics of the West Wickham Wooded Claylands area. Within this context, I find that the proposal would read as a highly obtrusive and discordant form of development. As such, it would have a harmful effect on the landscape.* Although the permission would be temporary, the planning inspector said 25 years was still a long time.

We implore Planning Committee Members to –

- follow South Cambridgeshire's lead, as it is clearly permissible in accordance with all of the planning frameworks
- do what is right for this local community
- be honest about what really happened in Burstall and Somersham
- turn down the Grange Farm Solar application.

If the Committee grants this application, then the bar will be set so high that no solar farm will ever be refused in Mid Suffolk.

Anne & Jeremy Moynihan  
The Old Guildhall  
Palgrave  
Suffolk IP22 1AN

## SCC Floods and Water: 18 September 2023

**From:** BMSDC Planning Area Team Pink <PlanningPink@baberghmidsuffolk.gov.uk>  
**Sent:** 18 Sep 2023 02:52:10  
**To:**  
**Cc:**  
**Subject:** FW: 2023-09-18 JS reply Grange Farm, Old Bury Road, Palgrave, Suffolk IP22 1AZ Ref DC/22/02667 - FUL  
**Attachments:**

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**From:** GHI Floods Planning <floods.planning@suffolk.gov.uk>  
**Sent:** Monday, September 18, 2023 11:31 AM  
**To:** BMSDC Planning Area Team Pink <PlanningPink@baberghmidsuffolk.gov.uk>  
**Cc:** Jasmine Whyard <Jasmine.Whyard@baberghmidsuffolk.gov.uk>  
**Subject:** 2023-09-18 JS reply Grange Farm, Old Bury Road, Palgrave, Suffolk IP22 1AZ Ref DC/22/02667 - FUL

Dear Jasmine Whyard,

Subject: Grange Farm, Old Bury Road, Palgrave, Suffolk IP22 1AZ Ref DC/22/02667 - FUL

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/22/02667

We have reviewed the following submitted documents and we recommend **approval of this application** subject to conditions:

- Flood Risk Assessment Ref 18090-HYD-XX-XX-RP-FR-0001
- Email from Applicant to LPA dated 25th August 2022
- Surface Water Management Plan Ref FCL/700/01 Dated 08 Sept 2023

We propose the following condition in relation to surface water drainage for this application.

1. No development shall commence until details of the strategy for the disposal of surface water on the site and until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA). have been submitted to and approved in writing by the LPA. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained and to ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

2. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater  
<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

Informatives

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991.
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution.

- Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act.
- Any works to a main river may require an environmental permit.

Kind Regards

Jason Skilton  
Flood and Water Engineer  
Suffolk County Council

-----Original Message-----

From: [planningpink@baberghmidsuffolk.gov.uk](mailto:planningpink@baberghmidsuffolk.gov.uk) <[planningpink@baberghmidsuffolk.gov.uk](mailto:planningpink@baberghmidsuffolk.gov.uk)>  
Sent: Wednesday, September 13, 2023 11:31 AM  
To: GHI Floods Planning <[floods.planning@suffolk.gov.uk](mailto:floods.planning@suffolk.gov.uk)>  
Subject: MSDC Planning Re-consultation Request - DC/22/02667 - FUL

Please find attached planning re-consultation request letter relating to planning application - DC/22/02667 - Grange Farm, Old Bury Road, Palgrave, Suffolk IP22 1AZ

Kind Regards

Planning Support Team

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For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website.



28<sup>th</sup> September 2023

Jasmine Whyard  
Mid Suffolk District Council  
Endeavour House  
8 Russell Road  
Ipswich, IP1 2BX

By email only

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*Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Mid Suffolk District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.*

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**Application:** DC/22/02667  
**Location:** Grange Farm Old Bury Road Palgrave Suffolk IP22 1AZ  
**Proposal:** Planning Application - Mixed use development comprising installation of a ground mounted solar photovoltaic (PV) farm; along with continued agricultural use, ancillary infrastructure, substation, security fencing, landscaping provision, ecological enhancements and associated works.

Dear Jasmine,

Thank you for re-consulting Place Services on the above application.

**No objection subject to securing ecological mitigation and enhancement measures**

**Summary**

We have reviewed the submitted documents for this application, including the Preliminary Ecological Appraisal – Rev 5 (Phlorum Ltd, October 2022) and the GCN eDNA Report (Phlorum Ltd, April 2022), the Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (April 2023), the Breeding Bird Survey (Phlorum Ltd, July 2023), submitted for the applicant, relating to the likely impacts of development on designated sites, protected and Priority species / habitats.

Furthermore, we have assessed the further Biodiversity Net Gain Assessment (PACE Ltd, September 2022) and the Biodiversity Metric – Calculation Tool 4.0 (PACE Ltd, September 2022), relating to whether measurable biodiversity net gains can be achieved for the proposed solar farm.

We are still satisfied that sufficient ecological information is available for determination of this application, following the provision of the additional Biodiversity Net Gain information.





In our response provided on the 9<sup>th</sup> August 2023, Place Services had concerns that the Biodiversity Net Gain Assessment (PACE Ltd, May 2022) was recommending that Lowland Meadow in moderate condition (approximately 90ha) could be created as a result of this scheme. This Priority habitat would need to reflect criteria of in [UK Habitats Classification](#) (v2) and was considered not realistic or deliverable given the shading that the solar farm will cause to the grassland. As a result, we are pleased that the grassland has been updated to state that modified grassland will be created where the solar panels will be located, with the provision of Other Neutral Grassland at suitable locations across the scheme.

Therefore, we are satisfied that the Biodiversity Net Gain Assessment (PACE Ltd, September 2022) and the Biodiversity Metric – Calculation Tool 4.0 (PACE Ltd, September 2022) have been completed appropriately and will deliver a net biodiversity gain of 260.98 habitats units (135.9%) and 12.57 hedgerows units (19.6%). We still recommend that a Biodiversity Net Gain Plan is secured as a pre-commencement condition for this scheme to account for any amendments in the finalised planting scheme, as well as to secure the management and monitoring strategy in line with the aims and objectives of the Biodiversity Metric – Calculation Tool 4.0 (PACE Ltd, September 2022).

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

#### **Recommended Conditions**

##### **1. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY**

*“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Preliminary Ecological Appraisal – Rev 5 (Phlorum Ltd, October 2022) and the Breeding Bird Survey (Phlorum Ltd, July 2023).*

*The CEMP (Biodiversity) shall include the following.*

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*



*h) Use of protective fences, exclusion barriers and warning signs.*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"*

**Reason:** To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

**2. PRIOR TO COMMENCEMENT ACTION REQUIRED: SUBMISSION OF A COPY OF NATURAL ENGLAND MITIGATION LICENCE FOR GREAT CRESTED NEWT**

*"Any works which will impact the breeding / resting place of Great Crested Newt, shall not in any circumstances commence unless the local planning authority has been provided with either:*

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."*

**Reason:** To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

**3. PRIOR TO COMMENCEMENT: BIODIVERSITY NET GAIN PLAN**

*No development shall commence unless a Biodiversity Net Gain Plan, to ensure that there is measurable net gain in biodiversity within a 30-year period, has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the biodiversity metric 4.0 as applied in the area in which the site is situated at the relevant time.*

*The content of the Biodiversity Net Gain Plan should include the following:*

- a) Proposals for the on-site biodiversity net gain;*
- b) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;*

*The development shall be implemented in full accordance with the requirements of the approved Biodiversity Net Gain Plan.*

**Reason:** To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).



**4. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT STRATEGY**

*"A Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.*

*The content of the Biodiversity Enhancement Strategy shall include the following:*

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

*The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."*

**Reason:** To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

Optional: Skylark Mitigation Strategy could be secured via a legal agreement

**5. ACTION REQUIRED: SKYLARK MITIGATION STRATEGY**

*"All mitigation measures for skylark shall be carried out in accordance with the details contained in the Breeding Bird Survey (Phlorum Ltd, July 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

*The provision of the off-site Skylark Plots shall be implemented in accordance with the approved details and all features shall be retained for the lifetime of the solar farm."*

**Reason:** To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).

Please contact us with any queries.

Yours sincerely,

**Hamish Jackson ACIEEM BSc (Hons)**

Senior Ecological Consultant

[placeservicesecology@essex.gov.uk](mailto:placeservicesecology@essex.gov.uk)

**Place Services provide ecological advice on behalf of Mid Suffolk District Council**

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.





- d) *A management and monitoring plan for all offsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed;*

*The development shall be implemented in full accordance with the requirements of the approved Biodiversity Gain Plan.*

**Reason:** To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

#### **4. PRIOR TO BENEFICIAL USE: BIODIVERSITY ENHANCEMENT STRATEGY**

*"A Biodiversity Enhancement Strategy for bespoke biodiversity enhancements, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.*

*The content of the Biodiversity Enhancement Strategy shall include the following:*

- a) *Purpose and conservation objectives for the proposed enhancement measures;*
- b) *detailed designs or product descriptions to achieve stated objectives;*
- c) *locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) *persons responsible for implementing the enhancement measures; and*
- e) *details of initial aftercare and long-term maintenance (where relevant).*

*The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."*

**Reason:** To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

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*The provision of the off-site Skylark Plots shall be implemented in accordance with the approved details and all features shall be retained for the lifetime of the solar farm."*

**Reason:** To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species).





Please contact us with any queries.

Yours sincerely,

**Hamish Jackson ACIEEM BSc (Hons)**

Senior Ecological Consultant

[placeservicesecology@essex.gov.uk](mailto:placeservicesecology@essex.gov.uk)

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Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

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